

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of LaMontreal Glinsey

TIRC Claim No. 2011.064-G
(Relates to Cook County Circuit
Court Case *People v.*
LaMontreal Glinsey, 99-CR-147)

I. CASE DISPOSITION

Pursuant to Section 40/45(c) of the Illinois Torture Inquiry and Relief Act (TIRC Act, 775 ILCS 40/1 *et seq.*) and 2 Ill. Adm. Code 3500.385(b), the Commission concludes that there is insufficient credible evidence of torture to merit judicial review of LaMontreal Glinsey's claims of torture.

II. EXECUTIVE SUMMARY

On August 15, 2011, Lamontreal Glinsey filed a TIRC Claim Form¹ alleging that he confessed to the crime of murdering Harry Hudson after being beaten and tortured by Chicago Police Department Detectives James O'Brien and John Murray. Mr. Glinsey alleged at his suppression hearing that in the late evening hours of November 14, 1998, and the early morning hours of November 15, 1998, Detective ("Det.") Murray hit him in the back with the handle of his gun, and that Det. O'Brien hit him with a closed fist five times in the face. Mr. Glinsey claims that he suffered this abuse after informing the Detectives that he had not shot anyone. According to Mr. Glinsey, he signed a false statement against himself as a result of the abuse.²

Factors supporting Mr. Glinsey's claim include the contemporaneous testimony of his parents, who stated that they saw his injuries when they visited him in jail approximately one week after his arrest. However, this is undercut by Mr. Glinsey's own suppression testimony that his swelling disappeared a week after his arrest and his parents visited him two weeks after his arrest. Further supporting Mr. Glinsey's claim is Det. O'Brien's concerning record with witnesses, including one instance in which he was found to have taken a juvenile's statement without a guardian present and another instance of alleged coercion that led to an acquittal and the filing of a lawsuit against the city of Chicago.

Factors weighing against Mr. Glinsey's claim include the absence of evidence of any physical injuries in the photographs³ taken during the investigation, and absence of other evidence of Mr. Glinsey's injuries or corroborating testimony of witnesses other than that of his parents. Further weighing against Mr. Glinsey's claim are the following factors: (1) the fact that

¹ See Exhibit A, claim form of Lamontreal Glinsey.

² See Exhibit B, Nov. 15, 1998 Statement of Lamontreal Glinsey to police regarding the death of Harry Hudson.

³ See Exhibit C, copies of two Polaroid photos taken of Glinsey Nov. 15, 1998 after each statement was taken. See also, Exhibit D, copy of Cook County Jail photograph taken after statements and upon admission to the jail on Nov. 16, 1998; see also Exhibit E, copy of Nov. 15, 1998 CPD booking photo taken after each statement was given.

the testimony regarding the alleged torture, including by Mr. Glinsey himself, has been very inconsistent and self-contradictory, almost since the beginning of the case⁴; (2) the fact that Mr. Glinsey's testimony is directly contradicted by witnesses other than the arresting officers; (3) the fact that Mr. Glinsey initially described an officer who beat him as "short," only to later identify the 6-foot-5-inch O'Brien as that officer; (4) the inherent bias of his parents who were the only witnesses to testify on his behalf; and (5) the fact that the trial court determined, after a suppression hearing directed specifically to the question of torture, that the Det.s' testimony was credible and that Mr. Glinsey's was not.

III. FINDINGS OF FACT

This section presents the facts and circumstances concerning Mr. Glinsey's offense and subsequent investigation, his suppression hearing, the trial and subsequent appeals, and concludes with his torture claims and related facts discovered through this TIRC investigation.

A. The Offense and Investigation

1. Murder of Harry Hudson (Cook County Circuit Ct. No. 97-CR-147)

Lamontreal Glinsey and his co-defendant Antoine Anderson were charged with the murder of Harry Hudson and Mr. Glinsey's trial began on November 16, 2000 in the Circuit Court of Cook County, Illinois, before the Honorable Lon William Shultz⁵.

Casanova Johnson testified at the trial that he was a member of the Gangster Disciple ("GD") street gang.⁶ Antoine Anderson⁷ and Mr. Glinsey were also GDs. Johnson, who was 12 at the time of the shooting, testified that both Glinsey and Anderson used a .22 caliber rifle to fire from next to Mr. Johnson's house at opposing Black Disciple (BD's) gang members, and that as Anderson was firing, a man collapsed, apparently hit by the shots.⁸

The mother of Mr. Anderson's children, Iesha Bridewell, testified that the BDs and GDs were at war in October and November of 1998; in other words, the two gangs were frequently on opposite sides of shootings. Ms. Bridewell testified that in November 1998, Mr. Anderson told her that the BDs shot his brother and that he was going to shoot the BDs.⁹ According to Ms. Bridewell, on the evening of November 6, 1998, Mr. Glinsey, Mr. Anderson, Mr. Johnson, and Ms. Bridewell were at Mr. Anderson's house. They heard some gun shots coming from New

⁴ In particular, when confronted with photographic evidence of a lack of injuries, Mr. Glinsey initially testified at his suppression hearing that photos taken of him were either taken before he was beaten or were "phony." His later testimony acknowledged the photos accurately documented him after his confessions.

⁵ See, *People of the State of Illinois v. LaMontreal Glinsey*, ROP, Trial Proceedings before Lon William Shultz, Circuit Court Judge, Oct. 25,).

⁶ See testimony of Casanova Johnson, Nov. 17, 2000, G68-G140.

⁷ Mr. Anderson also filed a TIRC claim in connection with his arrest and interrogation conducted as part of the investigation of the two murders addressed in this report.

⁸ See testimony of Casanova Johnson, Nov. 17, 2000, G68-G140.

⁹ See testimony of Iesha Bridewell, Nov. 17, 2000, G203-G227.

Town, where the BDs were located. Upon hearing the gun shots, Mr. Anderson pulled a gun out from behind the refrigerator. Mr. Glinsey, Mr. Anderson, and Mr. Johnson said that they were going to shoot the BDs and specifically that they intended to shoot whoever happened to be in or around OT's Liquor Store on 38th Street. About 15 minutes later, Ms. Bridewell heard the echoes of gunshots coming from near Mr. Johnson's house.¹⁰

At around 9:00 p.m. on November 6, 1998, Chicago Police Department Det. Edward Cunningham and his partner Det. Szudarski received an assignment to go to 710 East 38th Street, Chicago. Det. Cunningham testified that once they arrived, he observed Mr. Hudson lying dead on his back on the sidewalk in a large pool of blood.¹¹

Dr. John Scott Denton was working as a Cook County Deputy Medical Examiner on November 7, 1998. He received an assignment to perform an autopsy on a "Mr. Hudson." Dr. Denton testified that Mr. Hudson's cause of death was a distant-range gunshot.¹² Messrs. Glinsey and Anderson were charged with the murder of Harry Hudson.

2. Murder of Leroy Causey (Cook County Circuit Ct. No. 99-CR-148)¹³

On November 13, 1998, one week after the murder of Mr. Hudson, LeRoy Causey was shot and killed at 783 East 37th Place. At Mr. Anderson's trial on November 28, 2001, Talibah Hasan testified that she was a friend of Mr. Causey and that she was with him on the evening when Mr. Causey was murdered.¹⁴

Ms. Hasan testified that on the day of the incident, she, Mr. Causey, and their friend Angel Holman were driving from Ms. Hasan's mother's house to a party. Mr. Causey was driving the car, while Ms. Holman was sitting in the front seat and Ms. Hasan was sitting in the back seat behind Mr. Causey. While they were stopped preparing to make a turn, someone began shooting at the car. Ms. Hasan testified that there were around five gunshots, and she did not see anyone while the shooting was going on. After the shooting was over, Ms. Hasan testified that she saw Mr. Anderson approach the car and Ms. Bridewell standing nearby.¹⁵

Ms. Holman testified that when they were stopped, waiting for the traffic to clear so that they could make a left turn onto Cottage Grove, she heard gunshots and saw that a bullet hit Mr. Causey in the head. When the gunshots ceased, she saw Mr. Causey's eyes were closed, his head was back, and he appeared to be snoring. Ms. Holman testified that she got out of the car

¹⁰ See *id.*

¹¹ See testimony of Det. Cunningham, Nov. 20, 2000, H2-H12.

¹² See testimony of John Scott Denton, Nov. 17, 2000, G142-G168.

¹³ Mr. Glinsey was acquitted by a jury for the murder of Mr. Causey. It appears from the record that Mr. Glinsey's statement on the incident was consistent with the facts as they came out at Mr. Anderson's trial for the murder of Mr. Causey, and that the jury concluded that Mr. Glinsey was not responsible for Mr. Anderson's actions.

¹⁴ See *People of the State of Illinois v. Antoine Anderson*, ROP, Trial Proceedings before William Shultz, Circuit Court Judge, Nov. 28, 2001 (available in the Anderson TIRC determination), testimony of Talibah Hasan.

¹⁵ See *id.*

and told Ms. Hasan to get out of the car because she believed that Mr. Causey was already dead. Ms. Holman ran back to Ms. Hasan's mother's house, but Ms. Hasan stayed with Mr. Causey. On the day of the incident, Ms. Holman stated that she saw two males walk in front of the car with large handguns. However, at the trial, Ms. Holman testified that she no longer remembered whether anyone approached the car after the shooting.¹⁶

Mr. Johnson testified that around 10:00 p.m. on November 13, 1998, he was with Mr. Anderson and Mr. Glinsey on Mr. Anderson's porch. They saw a car with a black tinted window on the street, and Mr. Anderson indicated that he thought the car belonged to Little Rascal. Mr. Anderson was holding a handgun and was standing behind the fence of the house, which was close to the car. Mr. Anderson told Mr. Glinsey to grab the rifle. Mr. Glinsey grabbed the rifle in the hallway of Mr. Anderson's house. Together, they walked up to the car, and Mr. Anderson fired his gun three or four times into the driver's side of the car. Later, they learned that they were mistaken and that the car did not belong to Little Rascal but instead belonged to Mr. Causey. Mr. Johnson testified that it was dark and, therefore, difficult to see at the time of the incident. He also stated that Mr. Causey was a mailman, that everybody knew him, and that he got along "okay" with Mr. Anderson.¹⁷

Iesha Bridewell's brother, Clemmie Bridewell, testified that he was at his grandmother's house on the night of November 13, 1998, at about 10:00 p.m.¹⁸ Mr. Bridewell testified that Mr. Anderson came down the street about six or seven minutes after the shooting. Mr. Bridewell testified that the police had forced him to say that Mr. Glinsey and Mr. Anderson were involved in the shooting, and in fact, Mr. Anderson was not the shooter.¹⁹

Messrs. Glinsey and Anderson were charged with the murder of Leroy Causey. In his statement to police and the State's Attorney, Mr. Glinsey did not admit to doing any shooting, only that he had had a rifle and served as a lookout for Mr. Anderson while Anderson shot Mr. Causey.²⁰

Mr. Glinsey was tried for Mr. Causey's murder before a jury on February 4, 5, and 6, 2002 and was ultimately acquitted.²¹

B. Mr. Glinsey's Confession

Det. John Murray testified at Mr. Glinsey's trial that he was one of the individuals who placed Mr. Glinsey under arrest on November 14, 1998. According to Det. Murray, Mr. Glinsey was brought in at approximately 1:30 p.m. that day. Det. Murray had already spoken to Mr.

¹⁶ See testimony of Angel Holman in the Anderson trial, available in the TIRC Anderson claim determination.

¹⁷ See testimony of Casanova Johnson in the Anderson trial, available in the TIRC Anderson claim determination.

¹⁸ See testimony of Clemmie Bridewell in the Anderson trial, available in the TIRC Anderson claim determination.

¹⁹ *Id.*

²⁰ See Exhibit F, November 15, 1998 Statement of Lamontreal Glinsey concerning the death of Leroy Causey.

²¹ It does not appear that Glinsey's trial on that charge was transcribed, since it resulted in an acquittal.

Anderson, and other witnesses had been interviewed before he interviewed Mr. Glinsey. Det. Murray interviewed Mr. Glinsey in Interview Room C with Det. James O'Brien.²²

Det. Murray testified that he advised Mr. Glinsey of his Miranda rights. When Det. Murray and Det. O'Brien first spoke with Mr. Glinsey about 2:30 p.m., Mr. Glinsey denied his involvement in the murder of Mr. Hudson and gave an alibi, naming certain witnesses. Det. Murray confronted Mr. Glinsey with the fact that every witness he had spoken to as of that point had given statements contrary to Mr. Glinsey's. He did not tell Mr. Glinsey the substance of what the witnesses had said but told him that their stories were not aligned with his.²³ The conversation lasted about an hour, and then around 2:30 p.m. Assistant State's Attorney ("ASA") Laura Forester arrived. ASA Forester did not talk to Mr. Glinsey until 7:15 p.m. Det. Murray testified that between those times, Mr. Glinsey knocked on the door to use the bathroom because the door was locked from the outside. Det. Murray took Mr. Glinsey to the bathroom upon his request.²⁴

That evening, Det. Murray had another interview with Mr. Glinsey. Det. Murray testified that Mr. Glinsey was not handcuffed for either of these meetings. Det. Murray witnessed ASA Forester recite Mr. Glinsey's Miranda rights from memory. This second interview including ASA Forester lasted about 20 minutes. ASA Forester asked Det. Murray to leave the room, and he did. Det. Murray also testified that he got Mr. Glinsey a pizza to eat around 8:00 p.m. on November 14th.²⁵

Det. Murray testified that at 1:25 a.m. on November 15, 1998, he watched as ASA Forester asked Mr. Glinsey how he would like to have his statement memorialized. Mr. Glinsey responded that he would like to give a handwritten statement. Det. Murray testified that he was present for the handwritten statement that Mr. Glinsey gave to ASA Forester at Area One headquarters regarding the homicide of Harry Hudson. At 2:15 a.m., Mr. Glinsey gave another statement with regard to LeRoy Causey. Det. Murray testified that he did not hit Mr. Glinsey in the back with a gun handle and did not see anyone hit Mr. Glinsey in the face during these interviews.²⁶

Det. O'Brien testified that when he arrested Mr. Glinsey, he patted him down, handcuffed him, and placed him in the police car. Det. O'Brien did not see any officer "pistol whip" Mr. Glinsey in the back and testified that he did not punch Mr. Glinsey. Det. O'Brien also testified that he was not part of the second interview with ASA Forester.²⁷

²² See *People of the State of Illinois v. LaMontreal Glinsey*, ROP, Trial Proceedings before William Shultz, Circuit Court Judge, Nov. 17, 2000, testimony of Detective John Murray, G30-G63.

²³ See testimony of Det. Murray at Glinsey's suppression hearing, Jan. 20, 2000, B7-B39.

²⁴ See *id.*

²⁵ See *id.*

²⁶ See *id.*

²⁷ See trial testimony of Detective James O'Brien, Nov. 20, 2000, H13-H24 and Nov. 21, 2000, I13-I18.

ASA Laura Forester testified that she met with Mr. Glinsey for the first time at approximately 7:00 or 7:15 p.m. on November 14, 1998. ASA Forester testified that she recited Mr. Glinsey his Miranda rights from memory and that Det. Murray was in the room. After she had spoken about the incident with Mr. Glinsey, she told him that he had three options for making his statement. Mr. Glinsey told her he wished to give a handwritten statement, and ASA Forester asked Det. Murray to leave, which he did.²⁸

ASA Forester testified that she then asked Mr. Glinsey how he had been treated. Mr. Glinsey told her that he was fine and had no problems. When she asked if Mr. Glinsey needed anything, he said he was fine. ASA Forester testified that she did not notice anything unusual about Mr. Glinsey's face or any other part of his body.²⁹ She also testified that Mr. Glinsey never complained to her that detectives hit him in the face or in the shoulder with a pistol.³⁰ After confirming Mr. Glinsey had been well-treated, she opened the door and asked Det. Murray to come back in.³¹

At 1:35 a.m., ASA Forester wrote a summary of Mr. Glinsey's statement as he relayed it to her. She then read the statement out loud to Mr. Glinsey and had Mr. Glinsey sign the bottom of the page. ASA Forester testified that after taking Mr. Glinsey's statement, she took a Polaroid photo of Mr. Glinsey. An hour later, she took another photo of him. Mr. Glinsey never indicated to her that he was hit or struck in any way. ASA Forester testified that Det. Murray was present both times she took the statement from Mr. Glinsey. ASA Forester testified that the photographs of Mr. Glinsey truly and accurately depicted how Mr. Glinsey looked on the early morning hours of November 15, 1998, when she interviewed him.³²

Antonio Artis, a Chicago police officer in charge of the male lockup at Area One, testified that on November 15, 1998, his duty was to ensure that prisoners had not been injured, nor their rights violated. Officer Artis testified that he asked Mr. Glinsey if he needed to go to the hospital; Mr. Glinsey responded that he did not. Officer Artis testified that he did not notice any visible injuries or swelling around Mr. Glinsey's face or on other parts of Mr. Glinsey's body. He testified that Mr. Glinsey never told him that he had been beaten.³³

Benny Ybarra, a paramedic at Cermak Health Services, testified that he interviewed and examined Mr. Glinsey when he came to Cook County Jail on November 16, 1998. He asked Mr. Glinsey if he had medical conditions, whether he was taking any medications, and whether he had suffered or contracted anything that would require housing in the medical ward. Mr. Ybarra did not document any bruising or swelling anywhere on Mr. Glinsey's body, including his face, on his medical intake record. Mr. Ybarra testified that if, after a visual inspection, he determined

²⁸ See trial testimony of ASA Laura Forester, Nov. 20, 2000, H24-H53.

²⁹ See *id.*

³⁰ See *id.*

³¹ See *id.*

³² See *People of the State of Illinois v. LaMontreal Glinsey*, ROP, Trial Proceedings before William Shultz, Circuit Court Judge, Nov. 20, 2000, testimony of ASA Laura Forester, H24-H53, H79-H91..

³³ See trial testimony of Police Officer Antonio Artis. Nov. 21, 2000, I53-I56.

that Mr. Glinsey had suffered any physical injuries, he would have indicated as much on the medical intake record,³⁴ and the fact that he did not do so here suggested that there were no injuries. Mr. Ybarra testified that a photograph of Mr. Glinsey was taken just before he was examined at the jail.³⁵

Mr. Glinsey's father, Allen Glinsey, testified that Mr. Glinsey's face was swollen on the right side when he went to see him about one week after November 14, 1998. Allen Glinsey testified that Mr. Glinsey told him that he was forced to sign a statement admitting that he had committed a crime. Allen Glinsey also testified that Mr. Glinsey told him that he was slammed to the floor and hit with fists. Allen Glinsey testified that he then went back to the police station to see if he "could get the detectives."³⁶

Vanessa Glinsey, Mr. Glinsey's mother, testified that she visited Mr. Glinsey in jail about one week after November 14, 1998. Ms. Glinsey reported that she noticed that the right side of Mr. Glinsey's face and his left index finger were swollen. She asked Mr. Glinsey what had happened to him, and he said that he was beaten and forced to sign an incriminating statement. Ms. Glinsey testified that she did not ask Mr. Glinsey whether he had received any medical treatment or whether he asked anyone at the jail to treat him for his injuries. She went back to meet Mr. Glinsey on January 6, 1999, but she could not see Mr. Glinsey because he was at Cermak Hospital.³⁷

Judith Noble, a licensed practical nurse at Cermak Health Services, testified that at about 8:45 a.m. on January 6, 1999, she treated Mr. Glinsey, who told her that he was hit on the head and the upper body the day before (about two months after the night of his arrest and the events at issue).³⁸

C. Motion to Suppress Statements

On September 28, 1999, Mr. Glinsey's attorney filed a Motion to Suppress Statements.³⁹ The motion alleged, among other claims unrelated to torture, that Mr. Glinsey's statements had been obtained as a result of physical coercion illegally directed against Mr. Glinsey and were involuntary in violation of the V and XIV Amendments. The motion stated that Mr. Glinsey "made and signed incriminating statements only after a tall, white detective hit him twice in the back with a gun handle and a short white detective hit him in the face with a fist approximately five (5) times." The motion further claimed that Mr. Glinsey was not properly advised of his Miranda rights.

³⁴ See Exhibit G, Glinsey Jail Medical Intake Record

³⁵ See trial testimony of Benny Ybarra, Nov. 21, 2000, I40-I48. Although Ybarra testified the picture was taken before the exam, the picture is dated Nov. 16, 1998 and the medical form is dated Nov. 15, 1998. See EXHIBITS D and G, respectively.

³⁶ See Suppression testimony of Allen Glinsey, Jan. 20, 2000, B92-B100.

³⁷ See trial testimony of Vanessa Glinsey, Nov. 21, 2000, I3-I13.

³⁸ See trial testimony of Judith Noble, Nov. 21, 2000, I48-I53.

³⁹ See Exhibit H, *People of the State of Illinois v. LaMontreal Glinsey*, Motion to Suppress Statements, Sept. 28, 1999.

The motion came to be heard before Judge Lon Schultz on January 20, 2000. The hearing included testimony from Det. John Murray and from Mr. Glinsey, Vanessa Glinsey, and Allen Glinsey.⁴⁰

Mr. Glinsey testified that when he told the detectives that he had not shot anyone, Det. Murray hit him “in the back with the pistol, with the handle twice.”⁴¹ Mr. Glinsey testified that the other detective, after a ten minute interval, then hit him five times on the right side of his face with closed fists. He could not describe the second detective at all, other than by race.⁴² According to Mr. Glinsey, at the time, he told ASA Forester that the detectives had hit him and ASA Forester did not say or do anything in response.⁴³ Mr. Glinsey testified that he did not read his statement before signing it.⁴⁴

On cross examination, Mr. Glinsey reiterated that he had told ASA Forester about the abuse and that he told her more about it after Det. Murray had been asked to leave the room.⁴⁵ He claimed he had not been presented the first page of the Causey statement, but rather a blank page to sign, but that he had signed the second and third pages.⁴⁶ Mr. Glinsey also testified that the photographs⁴⁷ had been taken earlier in the day, not after he had given his statement.⁴⁸ Mr. Glinsey claimed that he had not had any pizza and did not drink anything, but conceded that he had been allowed to use the bathroom twice.⁴⁹ He also testified that he did not give a second statement and had instead signed blank pieces of paper.⁵⁰ He identified the Causey statement as the statement he had signed on pages two and three, and the Hudson statement as the one he had not signed at all.⁵¹ Mr. Glinsey further testified that after being sent to Cook County Jail, he did not inform the intake officer of his beating, but did tell the nurse that he was in pain and that he had been beaten by police. Mr. Glinsey claimed that he had x-rays taken when he was checked into the county jail; however, no records of the x-rays were ever located, and no corroborating testimony on their existence was ever elicited. When shown a picture of himself at the Cook County Jail, Mr. Glinsey claimed that it was a fake.⁵² When asked about his trip to health

⁴⁰ See *People of the State of Illinois v. LaMontreal Glinsey*, Report on Proceedings, Jan. 20, 2000, B1-B126.

⁴¹ *Id.* at B45.

⁴² *Id.* at B57-B58.

⁴³ *Id.* at B47-B48

⁴⁴ *Id.* at B50.

⁴⁵ *Id.* at B62.

⁴⁶ *Id.* at B51-B54, B64.

⁴⁷ See Exhibit C: Two Polaroid photos of Glinsey.

⁴⁸ *Id.* at B56-57.

⁴⁹ *Id.* at B64.

⁵⁰ *Id.* at B64-66.

⁵¹ *Id.* at B70.

⁵² *Id.* at B75-B76. The defense later stipulated that the photograph was real. See *id.* at B102; see also Exhibit D: Jail intake photo of Glinsey.

services in early January 1999 (which was nearly two months *after* his arrest), Mr. Glinsey testified that he told the nurse his injuries had been caused by the beatings he received at the hands of police, not because he had been attacked in jail.⁵³ Mr. Glinsey further testified that his parents hadn't visited him until two weeks after his arrest,⁵⁴ and facial swelling had subsided a week after the arrest.⁵⁵

Mr. Glinsey's parents, Allen and Vanessa, each testified that they visited Mr. Glinsey at the jail approximately one week after November 14, 1998, and that Mr. Glinsey's face was swollen on its right side and his index finger was swollen. They both testified that Mr. Glinsey had told them that he had been beaten by police. Allen Glinsey testified that Mr. Glinsey told him that he had been slammed into the floor by police and hit with their fists.⁵⁶ Allegedly, Mr. Glinsey did not tell his father which police officer in particular had beaten him. When Allen Glinsey was shown a picture of his son that was dated November 16, 1998, he testified that that was how Mr. Glinsey appeared when he saw him the following week and that the left side of his face was swollen (contrary to other claims that the right side was swollen).⁵⁷

With regard to Mr. Glinsey's torture allegations, Det. Murray testified that Mr. Glinsey was not handcuffed during his interviews at Area One headquarters. Det. Murray further testified that when ASA Forester arrived to interview Mr. Glinsey, she asked Murray to leave the room and he did. He returned to the interview room and witnessed ASA Forester take down Mr. Glinsey's handwritten statement, which included in relevant part:

Lamontreal states that the police have treated him okay and that ASA Forester has treated him all right. Lamontreal states that he had pizza to eat and two pops to drink. Lamontreal states that he has been able to use the bathroom whenever he needed to, and Lamontreal states he's not under the influence of drugs or alcohol at this time. Lamontreal states that he has not been promised anything for his statement, nor has he been threatened in any way.⁵⁸

Det. Murray testified that he was the one who brought Mr. Glinsey pizza at around 8:00 p.m. in the evening of November 14, 1998. When asked whether he or anyone in his presence ever hit the defendant in the back with a gun handle, Det. Murray replied "No." When asked whether he or anyone in his presence hit the defendant in the face approximately five times, Det. Murray again responded "No." Det. Murray also testified to the authenticity of two photographs

⁵³ *Id.* at B80–B82.

⁵⁴ *Id.* at B69

⁵⁵ *Id.* at B74.

⁵⁶ *Id.* at B92.

⁵⁷ *Id.* at B99.

⁵⁸ *Id.* at B22; *see also* Exhibit B, Glinsey's Nov. 15, 1998 statement regarding Hudson murder.

of Mr. Glinsey that had been taken in the interview room, which he claimed were taken *after* each statement Mr. Glinsey gave.⁵⁹

The court ruled from the bench and denied the Motion, concluding that Det. Murray's testimony was credible and Mr. Glinsey's account of the beatings was not. The Cermak Hospital health records dated November 15, 1998, indicated no head injury, eye problems, or complaint of injury of any kind. The January 6, 1999 records were the result of the incident at the jail the day before, not the day of the arrest in November 1998.⁶⁰

D. The Trial and Sentencing for the Murder of Harry Hudson

Mr. Glinsey appeared before Judge Schultz for a jury trial on November 17, 2000.⁶¹ The State gave brief opening statements, followed by Mr. Glinsey's defense attorneys, Mr. Stanton and Ms. Hayashi. The Prosecution called ten witnesses, and the defense called six. The Prosecution called four witnesses in rebuttal, primarily to rebut the contentions of coercion. The defense offered a sur-rebuttal.

Mr. Glinsey testified at his trial that Det. O'Brien, who is 6-foot-5-inches tall,⁶² hit him before he confessed. Somewhat differently from his suppression testimony, Mr. Glinsey testified that Det. O'Brien's abuse began immediately after Det. Murray's ended, not after a 10-minute interval. Mr. Glinsey also admitted at his trial: (1) that the jail photo of him was genuine; (2) that the first Polaroid photograph was taken after he signed his statement; and (3) when shown the photograph, that it was accurate. He then stated that another Polaroid photograph was taken an hour later.⁶³ Mr. Glinsey asserted he had given and signed the *Hudson* murder statement under duress,⁶⁴ whereas at his suppression hearing, he had testified he had given only the *Causey* statement, and had never given another statement. Additionally, at trial Mr. Glinsey initially claimed to have signed "what was on the papers,"⁶⁵ but much later in his testimony contended that he signed all three pages of the Hudson statement when they were completely blank, including putting his initials on a blank page three that was later filled in, with the initials being next to corrected text.⁶⁶

⁵⁹ See Exhibit C, Polaroid photos of Glinsey.

⁶⁰ *Id.* at B122–B125; see also Exhibits G and I, Nov. 15, 1998 intake bruise sheet and Jan. 6, 1999 medical records, respectively.

⁶¹ See *The People of the State of Illinois v. LaMontreal Glinsey*, Report on Proceedings, November 17, 2000 (attached hereto as "Exhibit H"). Jury selection and voir dire was completed the previous day. See *The People of the State of Illinois v. LaMontreal Glinsey*, Report on Proceedings, November 16, 2000 (attached hereto as "Exhibit I").

⁶² See Testimony of Det. John Murray at Glinsey suppression hearing, Jan. 20, 2000, B29.

⁶³ See *The People of the State of Illinois v. LaMontreal Glinsey*, Report on Proceedings, November 20, 2000 at H119–H122.

⁶⁴ *Id.* at H100.

⁶⁵ *Id.* at H104.

⁶⁶ *Id.* at H122–H123.

Mr. Stanton made an oral motion for directed verdict, citing inconsistent testimony and arguing that the State failed to show that Mr. Glinsey was accountable for Mr. Anderson's actions. The State relied upon Mr. Glinsey's own statements in response, and the court immediately denied the motion.⁶⁷

The parties both made closing arguments and the matter went to the jury. The jury deliberated for approximately three and a half hours before convicting Mr. Glinsey of first degree murder of Harry Hudson.⁶⁸ Judge Schultz later sentenced Mr. Glinsey to 45 years imprisonment at the Department of Corrections.

E. The Appeals

On December 18, 2000, Mr. Glinsey filed a notice of appeal of his conviction to the Illinois Appellate Court, First Judicial District.⁶⁹ On May 16, 2003, Mr. Glinsey's conviction and sentence were affirmed.⁷⁰ The Illinois Supreme Court denied Mr. Glinsey's Petition for Leave to Appeal.⁷¹ On October 10, 2003, Mr. Glinsey filed a Motion to Dismiss Charges Instantly in the trial court, and on November 12, 2003, also in the trial court, Mr. Glinsey filed a motion for reduction of sentence. On November 20, 2003, again in the trial court, Mr. Glinsey filed a Habeas Corpus petition. Lastly, on December 9, 2003, Mr. Glinsey filed a Petition of Mandamus and a Petition for Post-Conviction Relief.⁷² Each motion or petition raised the issue of coercion. The court denied all of these motions as frivolous and patently without merit, finding: (1) the motion to dismiss charges instantly is a pre-trial motion that was filed after trial; (2) the motion for reduction of sentence was not timely; (3) the petition for habeas corpus was effectively decided by Mr. Glinsey's original appeal and the new arguments had been waived; (4) the petition for mandamus was procedurally improper; and (5) the petition for post-conviction relief was unsupported and lacked any specificity.⁷³

Mr. Glinsey filed a Motion Requesting Leave to File a Successive Post-Conviction Petition and Brief on April 1, 2008, filing the actual petition on November 12, 2008.⁷⁴ Mr. Glinsey averred: (1) that newly discovered evidence, in the form of a Chicago Tribune article and an affidavit from Casanova Johnson, corroborated his claims of coercion and demonstrated his innocence; (2) that the State violated *Brady v. Maryland* by failing to disclose evidence of a pattern of abuse at CPD; (3) that he received ineffective assistance of trial and appellate counsel;

⁶⁷ *Id.* at H58.

⁶⁸ See *The People of the State of Illinois v. LaMontreal Glinsey*, Report on Proceedings, November 21, 2000 at I141.

⁶⁹ See *The People of the State of Illinois v. LaMontreal Glinsey*, Notice of Appeal, filed Dec. 18, 2000.

⁷⁰ See *The People of the State of Illinois v. LaMontreal Glinsey*, No. 1-01-0089 (unpublished order pursuant to Supreme Court Rule 23).

⁷¹ *People v. Lamontreal Glinsey*, 205 Ill. 2d 607 (2003).

⁷² See *The People of the State of Illinois v. LaMontreal Glinsey*, No. 99 CR 147, Post-Conviction Order, entered on March 3, 2004.

⁷³ *Id.*

⁷⁴ See *The People of the State of Illinois v. LaMontreal Glinsey*, No. 99 CR 147, Motion Requesting Leave to File a Successive Post-Conviction Petition and Brief, entered on November 12, 2008.

and (4) actual innocence. The court denied the petition as frivolous and without merit.⁷⁵ According to the Court, Mr. Glinsey had failed to show diligence in discovering the new evidence and, even taking Mr. Johnson's affidavit as true, could not show that the outcome at trial would have been different. Moreover the court said:

Although Johnson is now claiming that his Grand Jury testimony and trial testimony were the result of coercion, he gave consistent testimony during three different court proceedings. He testified that petitioner was involved in the murder at a grand jury proceeding, petitioner's trial and the co-defendant's trial. Therefore, Johnson's recantation is viewed with suspicion.⁷⁶

Mr. Glinsey appealed the denial of this petition to the Appellate Court of Illinois, First District, which affirmed the trial court's finding.⁷⁷ Thereafter, the Illinois Supreme Court vacated the appellate court's ruling, directing it to reconsider its judgment in light of *People v. Edwards*, 969 N.E.2d 829 (Ill. 2012).⁷⁸ The Appellate Court did so and again affirmed.⁷⁹

Mr. Glinsey filed a second motion for leave to file a successive petition on August 15, 2014.⁸⁰ Mr. Glinsey argued that he did not receive fair treatment from Judges Schultz and Lampkin (who handled certain post-trial proceedings) because they had been associated with Jon Burge while they were assistant state's attorneys. The court denied the motion because Mr. Glinsey failed to establish the "cause" prong of the "cause and prejudice" test required for additional motions for leave to file a successive petition for post-conviction relief.⁸¹

F. Allegations of Torture

On August 15, 2011, Mr. Glinsey signed a Commission Claim Form alleging he was physically tortured by Detectives Murray and O'Brien. Mr. Glinsey claimed that Det. Murray hit him twice with his gun on his shoulder and that Det. O'Brien hit him five times in the face with a closed fist.

⁷⁵ See *The People of the State of Illinois v. LaMontreal Glinsey*, No. 99 CR 147, Post-Conviction Order, entered on January 26, 2009.

⁷⁶ *Id.*

⁷⁷ See *The People of the State of Illinois v. Lamontreal Glinsey*, No. 1-09-0608, 2011 WL 9684763 (Ill. App. Ct. March 31, 2011).

⁷⁸ See *People of State of Illinois v. Lamontreal Glinsey*, No. 112595, 967 N.E.2d 807 (2012).

⁷⁹ See *The People of the State of Illinois v. Lamontreal Glinsey*, No. 1-09-0608, 2012 IL App (1st) 090608-U (Ill. App. Ct. Sept. 5, 2012).

⁸⁰ See *The People of the State of Illinois v. LaMontreal Glinsey*, No. 99 CR 147, Motion Requesting Leave to File a Successive Post-Conviction Petition and Brief, entered on August 15, 2014.

⁸¹ See *The People of the State of Illinois v. LaMontreal Glinsey*, No. 99 CR 147, Post-Conviction Order, entered on October 10, 2014.

On December 7, 2017, TIRC interviewed Mr. Glinsey via video conference. During his interview, he again maintained that Det. O'Brien had punched him five times in the face. However, he maintained that he was punched on the left side of his face⁸² — not the right as he had stated at trial. Mr. Glinsey also was asked repeatedly whether anyone else, and Det. Murray in particular, had threatened or physically abused him as well. Each time, Mr. Glinsey answered no, including a fourth time when he was reminded he had alleged abuse by Murray at his suppression hearing and trial.⁸³ Contrary to prior testimony, he also stated that he had been consistently handcuffed at the police station,⁸⁴ that his washroom requests were always denied,⁸⁵ that he never told ASA Forester that the police had hit him,⁸⁶ that he was never left alone with ASA Forester,⁸⁷ that he had received treatment for the facial beating upon entrance to the jail but had not told medical personnel that it was police who had beaten him,⁸⁸ and that a year after entering the jail, he had been jumped by other inmates and received treatment for it.⁸⁹

G. Detectives' Disciplinary and Litigation History

1. Detective O'Brien

TIRC received a copy of Office of Professional Standards and the Independent Police Review Authority's records related to complaints against Det. O'Brien.⁹⁰ The Post-1999 CRMS Employee Complaint Register History and Pre-2000 Mainframe Employee Complaint Register History were included therein. The Pre-2000 Mainframe Complaint Register History contained 25 complaints against Det. O'Brien. Of the 25 complaints, two were sustained, 14 were not sustained, four exonerated Det. O'Brien, and four were deemed unfounded. One complaint's final finding was not available. The Employee Complaint History from CRMS listed eight complaints. Four were not sustained, two were unfounded, and for the remaining two, the outcomes were not available.⁹¹

One of the complaints deemed "sustained" related to Det. O'Brien taking a statement from a juvenile without an adult present. It was recommended he receive a ten day suspension. A complaint deemed "not sustained" filed by Robert Wilson resulted in a lawsuit against Det. O'Brien. Mr. Wilson had been arrested for an alleged attack of a woman at a bus stop. A trial judge refused to admit evidence at trial relating to similar attacks on several other women. A

⁸² *Hear* December 7, 2017 TIRC Interview of Glinsey, Part I, at 27:40 timestamp.

⁸³ *Id.* at 41:40, 57:45, 1:03:35 timestamps, and Part II at 2:45 timestamp.

⁸⁴ *Id.* at 12:15, Part II

⁸⁵ *Id.* at 21:55, Part I and 3:10, Part II.

⁸⁶ *Id.* at 32:05 and 33:00, Part I and 7:55, Part II.

⁸⁷ *Id.* at 3:30, Part II.

⁸⁸ *Id.* at 51:18-52:35, Part I

⁸⁹ *Id.* at 59:50-1:02:00, Part I.

⁹⁰ *See* Exhibit J, Summary of complaints against Det. James O'Brien.

⁹¹ Illinois Torture Inquiry and Relief Commission, Pre-2000 Mainframe Complaint Register History, 01-Jan-1967 to 31-Dec-1999, requested Jan. 7, 2015.

federal judge ordered a retrial, admitting into evidence all the subsequent attacks, and the victim recanted her statements identifying Mr. Wilson. Mr. Wilson was released from prison and received a \$3.6 million settlement against Det. O'Brien in 2012 after filing a Section 1983 case against him and several other Chicago police officers, alleging that they had (a) physically abused him, (b) denied him adequate sleep and food, (c) denied him necessary blood pressure medication, (d) intimidated him, (e) promised him leniency if he confessed, and (f) threatened him with violence if he did not, all to elicit a confession to a crime that Mr. Wilson did not commit. Several of the investigations of Det. O'Brien deemed "not sustained" by investigators later resulted in dismissals of the civil cases pertaining to such torture allegations.

2. Detective Murray

TIRC received a copy of the employee complaint history for Det. John Murray which consisted of 18 complaints, none of which the Office of Professional Standards or the Independent Police Review Authority sustained.⁹² Of those complaints, 5 involved allegations of mental or physical coercion of suspects or witnesses during interrogation,⁹³ including one by Donald Williams, whose confession was suppressed by Judge Marcus Salone.⁹⁴ The resulting civil lawsuit from that acquittal was dismissed when a judge ruled that Williams should have filed his civil complaint *before* he had been acquitted.

Another complaint related to an allegation of threatening measures used against a murder witness during interrogations and before grand jury and trial proceedings.⁹⁵ The complainant alleged that on one occasion, Murray's colleague Det. Boudreau wrote "RIP" on pieces of paper and handed them to him⁹⁶. On another occasion, the complainant alleged, Murray placed the witness in a courtroom holding cell with the murder suspect he was going to testify against (although cell records contradicted that claim).⁹⁷

IV. STANDARD OF PROOF

Section 40(d) of the Illinois Torture Inquiry and Relief Act permits the Commission to conduct inquiries into claims of torture.⁹⁸

"'Claim of torture' means a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person convicted and the tortured confession was used to obtain the

⁹² See Exhibit K, Summary of complaints against Det. John Murray.

⁹³ See CR 208812, 252093, 283016 and IPRA Log Nos. 1035792, 1070948.

⁹⁴ See CR 1035792.

⁹⁵ See CR252093 and IPRA Log No. 1070948.

⁹⁶ See CR252093.

⁹⁷ See *id.*

⁹⁸ See 775 ILCS 40/40(d).

conviction and for which there is *some credible evidence* related to allegations of torture committed by Commander Jon Burge or any officer under the supervision of Jon Burge.”⁹⁹

If five or more Commissioners conclude by a preponderance of the evidence that there is sufficient proof of torture to merit judicial review, the case shall be referred to the Chief Judge of the Circuit Court of Cook County. If fewer than five Commissioners come to the same conclusion, the Commission shall conclude there is insufficient evidence of torture to merit judicial review.¹⁰⁰

The Commission was not asked by the General Assembly to conduct a full, adversarial, evidentiary hearing concerning the likelihood of torture, or even to make a final finding of fact that torture likely occurred, as that is the role of the courts. Rather, the Commission has interpreted Section 45(c) as not requiring that it be more likely than not that any particular fact occurred, but rather that there is sufficient evidence of torture to merit judicial review.^{101 102}

V. ANALYSIS OF THE EVIDENCE

A. Testimony and Statements About Mr. Glinsey’s Abuse Have Been Highly Inconsistent and Self-Contradictory

Though Mr. Glinsey has consistently claimed that he was tortured into confessing since shortly after his arrest, the key details surrounding his allegations have been inconsistent. Most strikingly, in his first testimony about the alleged abuse at his suppression hearing, Mr. Glinsey insisted that photographs of him taken after his confessions were actually taken before his confession. And he went so far as to insist another photograph taken at the jail after his interrogation was a fake.

In later proceedings, Mr. Glinsey admitted all those photographs were genuine and had been taken soon after his interrogation. This initial denial of the legitimacy of the photographs suggests consciousness of a lie — that Mr. Glinsey recognized that the photographs would not align with his story of five vicious punches to the face, and he attempted, albeit poorly, to discredit that evidence against him.

⁹⁹ 775 ILCS 40/5 (emphasis added).

¹⁰⁰ See 775 ILCS 40/45(c).

¹⁰¹ See 2 Ill. Adm. Code 3500.385(b)(1). In general, the approach taken by the Commission is similar to “probable cause.” There must be enough evidence that the claim should get a hearing in court. See FAQ No. 8, <https://www.illinois.gov/tirc/Pages/FAQs.aspx/>.

¹⁰² Although Section 55(a) of the TIRC Act (775 ILCS 40/55(a)) makes Commission decisions subject to the Administrative Review Law, Commission decisions do not concern “contested cases” as defined in the Illinois Administrative Procedure Act (5 ILCS 100/1-30) because TIRC proceedings do not require an opportunity for a hearing. See 775 ILCS 40/45(a): “The determination as to whether to conduct hearings is solely in the discretion of the Commission.”

Mr. Glinsey also “flipped” between his suppression hearing and his trial testimony which of the two statements he had actually given to police. At the suppression hearing, he said it was the Causey statement, but at trial, he maintained he had given police the Hudson statement. His trial contention that the initials he placed on the completely blank page three (and, by inference, somehow managed to wind up exactly next to a scratch-out error later written in) is highly suspicious.

At Mr. Anderson’s trial, Mr. Glinsey testified to a delay of ten minutes between the pistol whipping at the hands of Det. Murray and the punches to the face by Det. O’Brien, but at his own trial he testified that the latter immediately followed the former.

Mr. Glinsey’s father, Allen Glinsey, testifying at the hearing on the motion to suppress, also gave inconsistent testimony. He first stated that he noticed the right side of Mr. Glinsey’s face was swollen, but when shown a picture of Mr. Glinsey, he stated that he could see the swelling in Mr. Glinsey’s face on the left side.

Notably, the only witnesses that testified to Mr. Glinsey’s injuries are his parents. No other witnesses recall seeing Mr. Glinsey injured until after the unrelated incident in the jail in early January 1999. In addition to the witnesses’ bias, Mr. Glinsey himself testified at his suppression hearing that the swelling to his face had gone down within a week of his arrest and his family hadn’t visited until two weeks after his arrest — effectively discrediting his own parents’ testimony that they observed facial swelling.

When TIRC investigators interviewed Mr. Glinsey concerning his claims in December 2017, he stated that he was beaten by Det. O’Brien on the left side of his face, not the right side. Significantly, he also denied that Murray had ever abused him. This contrasts with his suppression hearing testimony in which the pistol whipping — a core element of his abuse claims at that time — was allegedly so severe that it hurt months later. Mr. Glinsey also made several other statements that were inconsistent with his earlier testimony. For example, Mr. Glinsey stated that he had been handcuffed the entire time he was in the interrogation room and that he was not allowed to use the restroom; at the hearing on the motion to suppress, Mr. Glinsey stated that he had been allowed to go to the restroom twice. Mr. Glinsey also stated that he did not at any time inform ASA Forester of the beatings, despite the fact that his earlier testimony indicated that he had.

While other statements by Mr. Glinsey suggest that he has a very hazy memory of the time period in question — for example, Mr. Glinsey was unable to correctly recall the timeline of the murders of which he was convicted and thought that the Causey murder had occurred first — his inability to recall correctly almost any of the details he testified to in 2000 has a tendency to undermine his credibility.

B. There is No Corroborating Documentary Evidence of Torture

On the day Mr. Glinsey alleges he was tortured, and in the days thereafter, he was photographed several times and medically examined at least twice, but none of the evidence arising from these events demonstrated physical injuries suffered by Mr. Glinsey.

The multiple photographs appear to show him in good health and not suffering from any physical injury. Though Mr. Glinsey initially claimed that these photographs were taken earlier in the day, before he was beaten, Mr. Glinsey admitted at trial that at least one photograph was taken after he gave his statement. Mr. Glinsey agreed when he was interviewed by TIRC in 2017 that the picture had been taken after the alleged beatings.

Furthermore, the medical intake records do not indicate that Mr. Glinsey suffered from or complained of any physical injuries.

Finally, Mr. Glinsey claimed he had x-rays taken when he was first checked in to Cook County Jail, but no records of such x-rays exist and no witnesses were able to attest to their existence.

In brief, the dearth of any corroborating physical evidence of Mr. Glinsey's injuries in the middle of November 1998 weighs against his claims.

C. There Is Testimony That Directly Contradicts Mr. Glinsey's Allegations

The individuals who interacted with Mr. Glinsey on that day—a nurse and a paramedic who performed a medical assessment of Mr. Glinsey—both testified that he did not tell them that he had suffered any injuries and that if he had, they would have indicated as much on the necessary forms and sent him to the hospital.

In addition, ASA Forester testified that she specifically asked Mr. Glinsey how he had been treated. Mr. Glinsey told her that he was fine and had no problems. When she asked if Mr. Glinsey needed anything, he said he was fine. ASA Forester testified that she did not notice anything unusual about Mr. Glinsey's face or any other part of his body. She also testified that Mr. Glinsey never complained to her that Det. O'Brien hit him in the face or that Det. Murray hit him in the shoulder with a pistol.

Moreover, Antonio Artis testified that he asked Mr. Glinsey if he needed to go to the hospital; Mr. Glinsey responded that he did not. Officer Artis testified that he did not notice any visible injuries or swelling around Mr. Glinsey's face or on other parts of Mr. Glinsey's body. He testified that Mr. Glinsey never told him that he had been beaten.

D. The Trial Court's Ruling on the Motion to Suppress Statements

On January 20, 2000, Judge Schultz ruled on the motion to suppress. The court considered the testimonies and the handwritten confession and made no findings of police abuse

of Mr. Glinsey. The court found that Mr. Glinsey's statement was voluntary, that he was not struck in the face by a fist or on the shoulder by a pistol, and that he was read his Miranda rights.

The Judge heard the arguments supporting and attacking the torture allegations, reviewed photographs of Mr. Glinsey that had been taken on the day of the alleged incident, and was able to observe Mr. Glinsey in court in person. In short, the Judge's ruling was based on his personal assessment of and experience with the relevant players close in time to the alleged events.

E. The Officer History Weighs in Glinsey's Favor; Glinsey's Acquittal for Mr. Causey's Murder May Not

The lengthy complaint history against Det. O'Brien, particularly in the Robert Wilson case, where Wilson was effectively proven innocent despite a confession, weighs in Mr. Glinsey's favor. So too may the fact that the confession Mr. Glinsey gave to aiding Mr. Anderson in the Causey murder was not enough to convict Glinsey. That confession was given contemporaneously to the confession Glinsey gave in the Hudson murder, and a jury's apparent disbelief in Mr. Glinsey's guilt may signal their disbelief in the voluntariness of Mr. Glinsey's Causey confession. Just as likely, however, it may signal that the jury believed Mr. Glinsey's statement that he did not shoot at Mr. Causey at all, and the jury, rightly or wrongly, believed that left him not legally liable for Mr. Anderson's shooting of Mr. Causey.

F. Balance of the Evidence

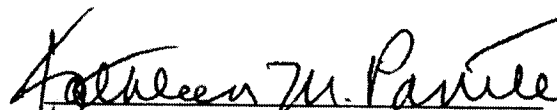
The Commission does not lightly discount Det. O'Brien's history of misconduct allegations. Nor do we discount the Causey jury's acquittal of Mr. Glinsey in the Causey murder, and the implications that may have for the statement Mr. Glinsey gave contemporaneously: his statement in the Hudson murder. However, we also do not discount the Hudson jury's belief in the legitimacy of Glinsey confession. It is impossible to know whether the Causey jury disbelieved the confession, or just viewed it as legally irrelevant.

But as of Mr. Glinsey's interview with the Commission in 2017, his only remaining allegation of torture was that Det. O'Brien punched him five times in the face so hard that he required x-rays and his face swelled for a week. The photographic evidence, which Mr. Glinsey now concedes is legitimate, do not corroborate the punching claim, nor do a medical technician's records or testimony. Moreover, Mr. Glinsey's wild fluctuations in his various stories further discredits the punching allegations. Other than Det. O'Brien's problematic history of physically abusing suspects, there simply is no evidence to support Mr. Glinsey's claim. Not only is there no objective contemporaneous documentary evidence, but his own assertions and allegations are internally inconsistent and are directly contradicted by the testimony of ASA Forester and medical staff with no apparent motive to give false testimony.

VI. CONCLUSION

The Commission finds that there is insufficient credible evidence of torture to refer this matter to the Circuit Court. The Commission dismisses Mr. Glinsey's claim and instructs its Executive Director to notify Mr. Glinsey of the dismissal and of his right to judicial review under the Illinois Administrative Review Law (735 ILCS 5/3-101).¹⁰³

Date: Feb. 22, 2019


Kathleen Pantle, TIRC Chair

¹⁰³ See 775 ILCS 40/55(a) of the TIRC Act.

Although this determination does not concern a "contested case" as defined in Section 1-30 of the Illinois Administrative Procedures Act (5 ILCS 100/1-30) because no opportunity for a hearing is required (See 775 ILCS 40/45(a)), the Commission notes that the rules of the Commission do not require any motion or request for reconsideration before appeal under the Administrative Review Law, and notes that the service address of interested parties is listed in the Notice of Filing certificate that accompanies the filing of this determination with the Court.

